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IN THE
SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1940

No. 

21

GEORGE C. REITZ,

Appellant,

vs.

CARROLL E. MEALEY, AS COMMISSIONER OF MOTOR
VEHICLES OF THE STATE OF NEW YORK

Appellee.

BRIEF OF APPELLANT ON REHEARING

HARRY A. ALLAN,
100 State Street,
Albany, N. Y.
Attorney for Appellant.

IN THE
Supreme Court of the United States

OCTOBER TERM, 1940

No. 686

GEORGE C. REITZ,

Appellant.

against

CARROLL E. MEALEY, AS COMMISSIONER OF MOTOR VEHICLES OF THE STATE OF NEW YORK,

Appellee.

BRIEF OF APPELLANT ON REHEARING

Appellant, George C. Reitz, respectfully submits in addition to the points heretofore submitted by appellant on the original argument of this appeal, the following:

Upon the previous argument of this appeal some of the members of the Court indicated that the appeal was premature due to appellant's failure to be discharged in bankruptcy at said time, and that such fact might bar this action, therefore, appellant has annexed to this brief his discharge in bankruptcy.

On May 1, 1941, by Chapter 872 of the Laws of the State of New York, Section 94-b of the Vehicle and Traffic Law of the State of New York, was repealed, effective January 1, 1942. However, inasmuch as appellant's chauffeur's license was suspended pursuant to the provisions of said Section, such suspension remains effective commencing from the time when appellant remits said license to ap-

pellee, the Commissioner of Motor Vehicles of the State of New York, and due to the fact that a stay was granted, appellee has not obtained said license and therefore the effect of Section 94-b will be to permit the suspension of appellant's license to remain in full force and effect for approximately three (3) years subsequent to the repeal of the Statute, notwithstanding appellant's discharge in bankruptcy, thus compelling appellant to seek other means of livelihood.

In view of the vital effect of a decision by this Court not only upon the rights of appellant but also as a guide to other States, due to the fact that the Section complained of by appellant is the only Statute pertaining to Motor Vehicle financial responsibility which by its terms expressly excepts a discharge in bankruptcy as a means of fully discharging a debt, if section 94-b is constitutional, then other states may safely add similar provisions to their statutes, or Congress may deem it advisable to expressly include claims arising out of the operation of Motor Vehicles, in Section 17 of the Bankruptcy Act, instead of allowing the various States to impair the effect of a Discharge in Bankruptcy.

Appellant respectfully submits that the Judgment and Order appealed from should be reversed, and an injunction should issue restraining appellee from enforcing against appellant the provisions of Section 94-b of the Vehicle and Traffic Law of the State of New York, on the ground that said Section is unconstitutional, together with costs to appellant on this appeal.

Respectfully submitted,

HARRY A. ALLAN,

Attorney for Appellant.

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APPENDIX "A"
IN THE
DISTRICT COURT OF THE UNITED STATES
FOR THE
NORTHERN DISTRICT OF NEW YORK

IN THE MATTER OF
GEORGE C. REITZ,
Bankrupt.

Bankruptcy
No. 28886

At the City of Albany, N. Y., in said district, on the 3rd day of June, 1941.

It appearing that George C. Reitz, of Cedar Hill, R. D. 1 Selkirk, in the County of Albany, State of New York, was duly adjudged a bankrupt on a petition filed by him on the 21st day of June, 1940; and

It further appearing that, after due notice by mail, no objection to the discharge of said bankrupt was filed within the time fixed by the Court;

It is ordered that the said George C. Reitz be, and he hereby is, discharged from all debts and claims which are made provable by said Act against his estate, except such debts as are, by said Act, excepted from the operation of a discharge in bankruptcy.

(Signed) JACOB L. TEN EYCK,

Referee in Bankruptcy.

7